

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

September 8, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on September 8, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Andy Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Council President Pernice opened the Public Hearing on Ordinance #2005-35 (Authorizing Easement Marlboro Township to MTMUA). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-348/Ord. #2005-35 (Authorizing Easement Marlboro Township to MTMUA) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Denkensohn and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-348

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-35

AN ORDINANCE AUTHORIZING THE EXECUTION OF A
DEED OF EASEMENT FROM THE TOWNSHIP OF MARLBORO
TO THE MARLBORO TOWNSHIP MUNICIPAL UTILITIES
AUTHORITY FOR THE PURPOSE OF INSTALLATION AND
MAINTENANCE OF A SUBSURFACE FILTER BACKWASH
DISCHARGE PIPELINE

which was introduced on August 11, 2005, public hearing held September 8, 2005, be adopted on second and final reading this 8th day of September, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council then discussed Res. #2005-306/Ord. #2005-28 ((As amended) Rezoning Certain Lots to the LC Land Conservation District). After discussion, Council President Pernice stated that he is recusing himself and will therefore abstain. The following Resolution #2005-306/Ordinance #2005-28 ((As amended) Rezoning Certain Lots to the LC Land Conservation District) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 3 - 1 with Councilman Denkensohn voting no and Council President Pernice abstaining.

RESOLUTION # 2005-306

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-28 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 84-29B
ENTITLED "ZONING MAP," OF CHAPTER 84 ENTITLED "LAND USE
DEVELOPMENT AND REGULATIONS" OF THE "CODE OF THE TOWNSHIP
OF MARLBORO, NEW JERSEY." TO REZONE CERTAIN LOTS TO THE LC
LAND CONSERVATION DISTRICT."

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 8th day of September, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council then discussed Res. #2005-308/Ord. #2005-31 (Amending Standards & Regulations RSCS Zone). After discussion, Council Vice President Morelli moved that the ordinance be amended on page 2, paragraph A (3) to add the words "existing conforming" prior to the word uses. Township Attorney Andrew Bayer determined that the amendment was not substantial and was merely a clarification. This was seconded by Councilman Cantor and following Resolution #2005-308/Ordinance #2005-31 - As Amended (Amending Standards & Regulations RSCS Zone) was passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-308

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-31 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84, "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE III, "ZONING: STANDARDS AND REGULATIONS," SECTION 84-45.1, ENTITLED "RSCS SENIOR CITIZEN RESIDENTIAL DISTRICT," OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on July 14, 2005, public hearing held August 11, 2005, be adopted on second and final reading this 8th day of September, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Res. # 2005-349/Ord. #2005-36 (General Obligation Bond Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-349

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-36

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE
COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR
VARIOUS GENERAL IMPROVEMENTS AND OTHER RELATED
EXPENSES IN AND FOR THE TOWNSHIP OF MARLBORO AND
APPOPRIATING \$2,195,000 THEREFOR, AND PROVIDING
FOR THE ISSUANCE OF \$2,085,000 IN BONDS OR NOTES
OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

be introduced and passed on first reading and that the
same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered
for final passage on October 6, 2005 at 8:00 p.m. at the
Marlboro Municipal Complex, 1979 Township Drive, Marlboro,
New Jersey, at which time all persons interested will be
given an opportunity to be heard concerning said
ordinance.

ORDINANCE # 2006-36

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN
THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING
FOR VARIOUS GENERAL IMPROVEMENTS AND OTHER
RELATED EXPENSES IN AND FOR THE TOWNSHIP OF
MARLBORO AND APPROPRIATING \$2,195,000
THEREFOR, AND PROVIDING FOR THE ISSUANCE OF
\$2,085,000 IN BONDS OR NOTES OF THE TOWNSHIP
OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW
JERSEY (not less than two-thirds of all members thereof
affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes
described in Section 3 of this bond ordinance are hereby
authorized to be undertaken by the Township of Marlboro,
in the County of Monmouth, New Jersey (the "Township") as
general improvements. For the several improvements or
purposes described in Section 3 hereof, there are hereby
appropriated the respective sums of money therein stated
as the appropriations made for each improvement or
purpose, such sums amounting in the aggregate to
\$2,195,000, including the sum of \$110,000 as the several
down payments required by the Local Bond Law. The down

payments have been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$2,085,000 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

(1) Purpose: Acquisition of an acoustical system for the Administration Department, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$52,500
Maximum Amount of Bonds or Notes:	\$49,875
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 2,625

(2) Purpose: Acquisition of office equipment and furnishings for the Administration Department, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$82,162
Maximum Amount of Bonds or Notes:	\$78,053
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 4,109

(3) Purpose: Improvements to the Municipal Building canopy and vestibule, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$44,600
Maximum Amount of Bonds or Notes:	\$42,128
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 2,472

(4) Purpose: Road improvements to and reconstruction of Route 520 from Lowe's to the Old Bridge Border, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$15,750
Maximum Amount of Bonds or Notes:	\$14,962
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 788

(5) Purpose: Road improvements to the Pleasant Valley and Conover Road intersection, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$68,250
Maximum Amount of Bonds or Notes:	\$64,837
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 3,413

(6) Purpose: Road improvements to Igoe Road, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$52,500
Maximum Amount of Bonds or Notes:	\$49,875
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 2,625

(7) Purpose: Road improvements to School Road East and Route 79 intersection, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$273,000
Maximum Amount of Bonds or Notes:	\$259,350
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 13,650

(8) Purpose: Road improvements to Robertsville Road and Gordons Corner Road intersection, located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$168,000
Maximum Amount of Bonds or Notes:	\$159,600
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 8,400

(9) Purpose: Road improvements to Lafayette/Robertsville Roads and Robertsville/Clubhouse,

located in the Township, as more fully described on a list on file with the Township Clerk and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$15,750
Maximum Amount of Bonds or Notes:	\$14,962
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 788

(10) Purpose: Drainage improvements to Station Road from Route 79 to Crine Road, located in the Township, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$341,250
Maximum Amount of Bonds or Notes:	\$324,187
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 17,063

(11) Purpose: Township-wide Stream Cleaning Program, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$21,000
Maximum Amount of Bonds or Notes:	\$19,950
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 1,050

(12) Purpose: Sidewalk repairs to Route 79 from the High School to Route 520, as more fully described on a list on file with the Township Clerk, and including all work and

materials necessary therefor
or incidental thereto.

Appropriation and Estimated Cost:	\$57,750
Maximum Amount of Bonds or Notes:	\$54,862
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 2,888

(13) Purpose: Acquisition of video and digital duplication equipment for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$5,775
Maximum Amount of Bonds or Notes:	\$5,486
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 289

(14) Purpose: Acquisition of computer software and computer hardware for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$52,500
Maximum Amount of Bonds or Notes:	\$49,875
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 2,625

(15) Purpose: Acquisition of modems for Township Police Department patrol vehicles, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$18,900
Maximum Amount of Bonds or Notes:	\$17,955
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 945

(16) Purpose: Acquisition of a printer, fax and initial training thereon for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$1,838
Maximum Amount of Bonds or Notes:	\$1,746
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 92

(17) Purpose: Acquisition of various office equipment and furniture for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$26,250
Maximum Amount of Bonds or Notes:	\$24,937
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 1,313

(18) Purpose: Analysis of Township Police Department radio system, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$18,375
Maximum Amount of Bonds or Notes:	\$17,456
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 919

(19) Purpose: Acquisition of Office of Emergency Management vehicle equipment for the Township Police Department evidence room, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$10,500
Maximum Amount of Bonds or Notes:	\$ 9,975
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 525

(20) Purpose: Acquisition of 2 digital breathalyzers for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$26,250
Maximum Amount of Bonds or Notes:	\$24,937
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 1,313

(21) Purpose: Acquisition of communications equipment for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$28,350
Maximum Amount of Bonds or Notes:	\$26,932
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 1,418

(22) Purpose: Acquisition of a FN303 Less Lethal Launcher for the Township Police Department, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$1,050
Maximum Amount of Bonds or Notes:	\$ 997
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 53

(23) Purpose: Acquisition of a four wheel drive vehicle for the Township Detective Bureau, and including all work and

materials necessary therefor
or incidental thereto.

Appropriation and Estimated Cost:	\$30,450
Maximum Amount of Bonds or Notes:	\$28,927
Period or Average Period of Usefulness:	5 years
Amount of Down Payment:	\$ 1,523

(24) Purpose: Acquisition and installation
of a flashing advanced
warning light at
Robertsville Road in the
Township, and including all
work and materials necessary
therefor or incidental
thereto.

Appropriation and Estimated Cost:	\$11,025
Maximum Amount of Bonds or Notes:	\$10,473
Period or Average Period of Usefulness:	10 years
Amount of Down Payment:	\$ 552

(25) Purpose: Acquisition of an emergency
generator for the Township
Administration and Police
Buildings, and including all
work and materials necessary
therefor or incidental
thereto.

Appropriation and Estimated Cost:	\$309,750
Maximum Amount of Bonds or Notes:	\$294,262
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 15,488

(26) Purpose: Improvements to the Union
Hill Commuter Lot, as more
fully described on a list on
file with the Township
Clerk, and including all
work and materials necessary
therefor or incidental
thereto.

Appropriation and Estimated Cost:	\$356,475
Maximum Amount of Bonds or Notes:	\$338,651
Period or Average Period of Usefulness:	15 years

Amount of Down Payment: \$ 17,824

(27) Purpose: Improvements to Township parks and acquisition of various equipment, as more fully described on a list on file with the Township Clerk, and including all work and materials necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$105,000
Maximum Amount of Bonds or Notes:	\$ 99,750
Period or Average Period of Usefulness:	15 years
Amount of Down Payment:	\$ 5,250

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such

report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a general improvement, and no part of the costs thereof have been or shall be specially assessed on property specially benefited thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 12.29038 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$2,085,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$110,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or

contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. # 2005-350/Ord. #2005-37 (Swim Utility Bond Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2005-350

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-37

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE TOWNSHIP OF MARLBORO TO FINANCE THE SAME

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-37

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR IMPROVEMENTS AND OTHER RELATED EXPENSES TO THE TOWNSHIP'S SWIM UTILITY AND APPROPRIATING \$446,250 THEREFOR, AND PROVIDING FOR THE

ISSUANCE OF \$446,250 IN BONDS OR NOTES OF THE
TOWNSHIP OF MARLBORO TO FINANCE THE SAME

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW
JERSEY (not less than two-thirds of all members thereof
affirmatively concurring), AS FOLLOWS:

Section 1. The several improvements or purposes described in Section 3 of this bond ordinance are hereby authorized to be undertaken by the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") as general improvements. For the several improvements or purposes described in Section 3 hereof, there are hereby appropriated the respective sums of money therein stated as the appropriations made for each improvement or purpose, such sums amounting in the aggregate to \$446,250. No down payment is required in connection with the improvements or purposes for which obligations are authorized as provided in Section 3 hereof as said purposes are deemed to be self-liquidating and the obligations authorized herein are deductible from the gross debt of the Township, as more fully explained in Section 6(e) of this bond ordinance.

Section 2. In order to finance the cost of the several improvements or purposes not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$446,250 pursuant to the Local Bond Law. In anticipation of the issuance of the bonds or notes, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The several improvements hereby authorized and the several purposes for which the bonds or notes are to be issued, the estimated cost of each improvement and the appropriation therefor, the estimated maximum amount of bonds or notes to be issued for each improvement and the period of usefulness of each improvement are as follows:

- (1) Purpose: Acquisition of outdoor umbrellas, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$157,500
Maximum Amount of Bonds or Notes:	\$157,500
Period or Average Period of Usefulness:	15 years

(2) Purpose: Improvements to the Swim Utility Pavilion, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$105,000
Maximum Amount of Bonds or Notes:	\$105,000
Period or Average Period of Usefulness:	15 years

(3) Purpose: Various playground improvements, as more fully described on a list on file with the Township Clerk, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$52,500
Maximum Amount of Bonds or Notes:	\$52,500
Period or Average Period of Usefulness:	15 years

(4) Purpose: Improvements to Swim Utility bulkhead, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$105,000
Maximum Amount of Bonds or Notes:	\$105,000
Period or Average Period of Usefulness:	15 years

(5) Purpose: Construction of volleyball court at Swim Utility, and including all else necessary therefor or incidental thereto.

Appropriation and Estimated Cost:	\$26,250
Maximum Amount of Bonds or Notes:	\$26,250

Period or Average Period of Usefulness: 15 years

(b) The estimated maximum amount of bonds or notes to be issued for the several improvements or purposes is as stated in Section 2 hereof.

(c) The estimated cost of the several improvements or purposes is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8.1. The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the

Township Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The several improvements or purposes described in Section 3 of this bond ordinance are not current expenses. They are improvements or purposes the Township may lawfully undertake as a self liquidating improvement of a municipal public utility, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The average period of usefulness of the several improvements or purposes, computed on the basis of the respective amounts or obligations authorized for each improvement or purpose and the reasonable life thereof within the limitations of the Local Bond Law, is 15 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$446,250, but that the net debt of the Township determined as provided in the Local Bond Law is not increased by this bond ordinance and the obligations authorized herein will be within all debt limitations prescribed by that Law

(d) An aggregate amount not exceeding \$21,250 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the several improvements or purposes.

(e) This bond ordinance authorizes obligations of the Township solely for a purpose described in N.J.S.A. 40A:2-7(h). The obligations authorized herein are to be issued for purposes that are deemed to be self-liquidating pursuant to N.J.S.A. 40A:2-47(a) and are deductible from gross debt pursuant to N.J.S.A. 40A:2-44(c).

(f) The Township reasonably expects to commence the acquisition and/or construction of the several improvements or purposes described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by this bond ordinance, in an aggregate amount not to exceed the amount of bonds or notes authorized in Section 2 hereof.

Section 7. Any grant moneys received for the purposes described in Section 3 hereof shall be applied either to direct payment of the cost of the improvements or to payment of the obligations issued pursuant to this bond ordinance. The amount of obligations authorized hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation of rate or amount.

Section 9. The Township hereby covenants to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. To the extent that any previous ordinance or resolution is inconsistent herewith or contradictory hereto, said ordinance or resolution is hereby repealed or amended to the extent necessary to make it consistent herewith.

Section 11. This bond ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by the Local Bond Law.

The following Res. # 2005-351/Ord. #2005-38 (Amending various sections Chapter 132 - Swim Fees) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-351

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-38

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
132 "SWIMMING POOL FACILITY, MUNICIPAL" OF THE
CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-38

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
132 "SWIMMING POOL FACILITY, MUNICIPAL" OF THE
CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, Chapter 132 sets forth the rules and regulations for the operation of the Marlboro Swim Club; and

WHEREAS, the Swim Club Division has recommended certain changes to Chapter 132 in order to bring it up-to-date; and

WHEREAS, the Township Council and the Mayor now desire to adopt the recommendations of the Swim Club Division.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that the title of Chapter 132 "Swimming Pool Facility, Municipal" of the Code of the Township of Marlboro is hereby changed to "Township Swim Utility, Marlboro Swim Club"; and

BE IT FURTHER ORDAINED, that Section 132-1 "Purpose" be and hereby is amended to read in its entirety as follows:

§ 132-1 Purpose.

A. There are hereby created and established rules and regulations for the use and operation of the township swim facility known as the "Marlboro Swim Club."

B. Use of the Marlboro Swim Club shall be subject to such rules and regulations as may be promulgated by the Township Council by ordinance, resolution or by pool rules which shall be available at all times at the Swim Club Office at the Marlboro Township Municipal Complex and at the Swim Club Office at the Pool Facility.

BE IT FURTHER ORDAINED, that the definitions of "Pool Facility" and "Season" included within Section 132-2 "Definitions" are hereby amended to read as follows:

"POOL FACILITY or FACILITY - The entire fenced-in pool complex within the Country Park."

"SEASON - The period of pool operation during a calendar year as determined by the Swim Club Division."

BE IT FURTHER ORDAINED that Section 132-3 "Membership in facility" be and hereby is amended in its entirety to read as follows:

§ 132-3 Membership in Facility.

A. Membership in the Marlboro Swim Club shall only be available to residents of the Township. The

maximum number and types of memberships available for a particular year shall be established by the Administration and the Swim Club Division on an annual basis.

B. Types of Membership.

(1) Full-time membership. A full-time member shall be entitled to use the Swim Club in accordance with a schedule that shall be established by the Swim Club Division on an annual basis.

(2) Part-time membership. A part-time member shall be entitled to use the Swim Club in accordance with a schedule that shall be established by the Swim Club Division on an annual basis.

C. Types of Full-Time and Part-Time Memberships.

(1) Family membership. This membership includes a husband and wife or widow or widower and all children, natural or adopted, under the age of 25 years and unmarried, living in the same residence.

(2) Individual membership. This membership is available to any person age 15 and over on or before the start of the season. However, no such membership shall be sold to anyone under the age of 18 without the express written consent from a parent or legal guardian of the minor child.

(3) Senior membership. This membership is available to any person age 62 or older on or before the start of the season.

D. For purposes of this Section, a family membership shall count as one (1) membership and an individual membership or senior membership shall count as one-half (1/2) of a membership.

E. Use of Facility by Resident Non-Members.

(1) In addition to establishing the number and types of memberships available to residents, the Swim Club Division shall annually establish the number of daily passes ("dailies) available to resident non-members.

(2) A daily pass shall entitle a resident non-member to use the facility, any day, on or after the third Monday in August of each season.

(3) The fee required for admittance into the facility on a daily pass shall be as follows:

<u>Type</u>	<u>Fee (Weekdays, Weekends and Holidays)</u>
Adult	\$9.00
Child	\$4.50
Senior	\$4.50

F. All memberships are non-transferable to another family. However, an individual member may, at any time, transfer their membership to another family member that is 15 years of age or older. However, the member transferring their membership must first surrender to the Swim Club Office, their active ID card and will not be entitled to use the facility as a member, during the unpaid season. A new ID card will then be issued to the family member to whom the membership is transferred at a fee of five dollars (\$5.00).

G. The Swim Club Division shall establish on an annual basis the Swim Club facility programs that shall be made available to a resident member or to any resident non-member admitted on a daily pass.

H. Inactive Membership Status.

(1) Upon notice to the Swim Club Office at the Marlboro Township Municipal Complex, a full-time member shall be entitled to freeze his or her membership in the Swim Club and will not be required to pay the annual membership fee. The member must surrender to the Swim Club Office all swim club photo identification cards in his/her/their possession at this time and will not be entitled to use the facility as a member, during the unpaid season. For that season, the member will be placed on inactive status and on the unpaid, full-time membership list.

(2) Prior to the start of the next season, a member on inactive status will be offered active status as a full-time member again. The member may freeze his/her/their membership again in the matter prescribed

above in H(1) or the member must notify the Swim Club Office of his/her/their intention to reactivate membership status and pay the requisite membership fees for the season to reactive membership. Failure to freeze the membership or make payment of the membership fees in the manner set forth herein will result in the loss of full-time membership status.

(3) Notwithstanding anything contained herein to the contrary, a member on inactive status is not precluded from using the Swim Club facility as a guest of a member on active status.

(4) To defray administrative costs, the fee for freezing a membership shall be \$25.00.

I. Membership Option for a Divorced Resident. If a husband and wife with a full-time family membership become divorced, then each divorced party shall, if elected in the first season following the divorce, be permitted to maintain a separate full-time family membership or separate full-time individual membership. Each of the divorced spouses shall be permitted to maintain separate full-time family memberships upon remarriage. In that event, each full-time family membership would include the extended family. This provision shall, however, only apply to a divorced spouse who continues to maintain a Marlboro residence.

BE IT FURTHER ORDAINED that Section 132-4 "Membership fees" be and hereby is amended in its entirety to read as follows:

§ 132-4 Membership and Other Fees.

A. Membership and other fees for each season shall be as follows:

(1) Tier I - From October 1 until November 30 of each season, memberships shall be available to all residents at the following rates:

- | | | |
|----|------------------------|----------|
| a. | Full-Time Family - | \$375.00 |
| b. | Full-Time Individual - | \$190.00 |
| c. | Full-Time Senior - | \$100.00 |
| d. | Part-Time Family - | \$350.00 |

- e. Part-Time Individual - \$175.00
- f. Part-Time Senior - \$90.00; and

(2) Tier II - From December 1 through February 28 of each season, memberships shall be available to all residents at the following rates:

- a. Full-Time Family - \$425.00
- b. Full-Time Individual - \$215.00
- c. Full-Time Senior - \$110.00
- d. Part-Time Family - \$400.00
- e. Part-Time Individual - \$200.00
- f. Part-Time Senior - \$100.00; and

(3) Tier III - After February 28 of each new season, membership shall be available to all residents at the following rates:

- a. Full-Time Family - \$450.00
- b. Full-Time Individual - \$225.00
- c. Full-Time Senior - \$115.00
- d. Part-Time Family - \$425.00
- e. Part-Time Individual - \$215.00
- f. Part-Time Senior - \$110.00; and

(4) Mid-Season Membership - To the extent memberships are still available, a resident joining as a new member may obtain a mid-season membership on the third Monday of July at the following rates:

- a. Family Membership - \$250.00;
- b. Individual Membership - \$125.00;
- c. Senior Membership - \$75.00.

The fee paid for a mid-season membership is non-refundable.

B. The administrative fee for the refund of a full-time or part-time membership fee made prior to the start of the season shall be thirty-five dollars (\$35.00). There shall be no refund of any such fees after the date established for the start of the season.

C. Members who pay by check and whose checks are returned by their bank as uncollectible for any reason will be charged an additional fee of thirty-five dollars (\$35.00) for each returned check.

D. Program Fees. Fees for Swim Club facility programs are as follows:

(1) Group Swimming and Diving Lessons. Payments for the below classes must be for a full session only. There will be no refund of swimming or diving lesson fees. There will be no make-up for rained out classes:

a. Regular Group Swim Lessons - Ten (10) classes per session, each class one-half (1/2) hour in duration, at a cost of six dollars (\$6.00) per class, sixty dollars (\$60.00) per session;

b. Moms and Tots - Six (6) classes per session, each class one-half (1/2) hour in duration, at a cost of six dollars (\$6.00) per class, thirty-six (\$36.00) per session; and

c. Advanced Swimming and Introduction to Diving - Ten (10) classes per session, each class one (1) hour in duration, at a cost of eight dollars (\$8.00) per class, eighty dollars (\$80.00) per session.

(2) Private Swim Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

a. Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);

b. For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and

c. There shall be no refund of the private swim lesson fee.

(3) There shall be swim team fees during the season as set forth below in subsections (a) through (e). There shall be no refund of any swim team fee. Except for those fees set forth in subsection (d) and (e) below, of the swim team fees paid, the swim team shall receive fifty

percent (50%) and the Swim Club Division shall retain the other fifty percent (50%):

- a. Fifty dollars (\$50.00) for the first child in the family;
- b. Forty-five dollars (\$45.00) for the second child in the family;
- c. Forty dollars (\$40.00) for each additional child in the family; and
- d. There shall be a separate fee for the year-end Swim Team Banquet, to be determined by the Swim Team Parent's Organization.
- e. There shall be a separate fee for the hospitality table of eight dollars (\$8.00) per family. The swim team shall receive one hundred percent (100%) of that fee.

(4) Private Diving Lessons. Each lesson shall be one-half (1/2) hour in duration and the following shall apply:

- a. Interested members shall purchase a coupon book containing three (3) coupons at a cost of sixty dollars (\$60.00);
- b. For any such lessons, the instructor shall not be paid his/her regular hourly pay, but shall obtain one (1) coupon from the person taking the lesson. This coupon is to be turned in at the Swim Club Office at the Municipal Complex. The instructor shall receive fourteen dollars (\$14.00) per one-half (1/2) hour lesson; and
- c. There shall be no refund of the private diving lesson fee.

(5) Swim Club Day Camp. The fee for children enrolled in the Swim Club Day Camp for the half-day program for the season shall be four hundred seventy-five dollars (\$475.00). The fee for children enrolled in the Swim Club Day Camp for the full-day program for the season shall be six hundred twenty-five dollars (\$625.00). The day camp refund policy shall be as follows:

a. There will be no camp refund after March 31;

b. If a child is withdrawn before the start of camp prior to March 31, an administrative fee in the amount of forty dollars (\$40.00) shall be retained by the Swim Club Division; and

c. If a child is asked by the Swim Club Management to leave camp during the first three weeks, only twenty five percent (25%) of the fee shall be refunded.

E. Fee for Use of the Facility by a Competitive Swim Team or Other Outside Organization.

(1) The use of the Swim Club facility by any competitive swim team will be subject to the approval of the Swim Division. Upon attaining such approval, the swim team shall be subject to a fee of forty dollars (\$40.00) per hour. The number of main pool lanes to be available to the competitive swim team per day shall be at the discretion of the on-duty Pool Manager.

(2) The fee, if any, for the use of the facility by any other type of outside organization shall be determined on a case-by-case basis by the Swim Club Division.

F. Additional Miscellaneous Fees and Other Offers. The following additional fees and regulations shall be established for the season:

(1) In order to provide an incentive to the Swim Club staff, any seasonal staff member employed by the Swim Club who works over (250) hours per year, or who works from the beginning of their program to the end of their program, or who works the contractual number of hours for which they were hired, may enroll up to two (2) of their children in the Swim Club day camp program for the season and that staff member may deduct the following applicable amounts from the day camp fee:

- a. First Child: \$300.00; and
- b. Second Child: \$150.00.

(2) For each season, scholarships will be available to residents for membership or for any program

conducted by the Swim Club and shall be granted as follows:

a. The resident must make an application to the Swim Club Division;

b. A membership shall only be eligible for scholarship assistance for three (3) consecutive seasons; and

c. The Swim Club Division shall be authorized to issue no more than ten (10) scholarships.

(3) Marlboro Township Administration distributes a "Welcome Pak" to new families who move into the Township. In order to encourage new Township residents to experience the facility, the Swim Club shall allow any new family moving into the Township to use the Swim Club on "open house days" or on any other day deemed appropriate, as scheduled or determined by the Swim Club Division, at no charge.

(4) The set-up fee for a member party at the Swim Club requiring tables and chairs shall be as follows:

Set Up	Fee
2 Tables, 20 Chairs:	\$25.00
Additional Tables:	\$5.00 each
Additional Chairs:	\$1.00 each

At the discretion of the Swim Club Manager, a refund of all party fees paid may be made due to inclement weather.

BE IT FURTHER ORDAINED that Section 132-5 "Hours of pool operation" be and hereby is amended in its entirety to read as follows:

§ 132-5 Waiting List for Membership.

A. To the extent necessary, the Swim Club Division shall establish and maintain a public list of those residents awaiting a full-time membership. Membership vacancies shall be filled solely in the order of the names appearing on such list.

B. A copy of such lists shall be available for inspection at the Swim Club Office at the Municipal Complex and at the Swim Club Office at the Swim Pool Facility.

C. A non-refundable fee of \$25.00 shall be charged to each wait list applicant. This fee is deductible from the first year's membership fee; however, should the applicant not take a membership in the Swim Club, this \$25.00 fee shall be forfeited.

BE IT FURTHER ORDAINED that Section 132-6 "Identification of Members" be and hereby is amended in its entirety as follows:

§ 132-6 Identification of Members.

A. A photo identification card shall be issued to each member, two years of age and older, which shall be shown to gain entry into the Swim Club facility and shall be left as collateral to borrow Swim Club athletic equipment.

B. The Swim Club Office shall fix and publicize the days, hours and location where photographs will be taken and the rules and regulations thereto. Members failing to appear for the taking of their photograph at such time will be subject to a charge of \$7.00.

C. Such photo identification cards will not be transferable and their illegal transfer or misuse will result in revocation or suspension of membership.

D. Lost photo identification cards must be reported to the Swim Club Office immediately and may be replaced by payment of a fee of \$5.00.

E. Members not presenting their photo identification card at the entry gate can be denied access into the facility at the discretion of the Pool Manager.

F. When requested, a member must present or surrender their photo identification card to the Pool Manager.

BE IT FURTHER ORDAINED that Section 132-7 "Guest books" is hereby amended in its entirety as follows:

A. Starting in October of each year, each member shall be entitled to purchase guest books in an amount to be determined by the Swim Club Division. Guests will be permitted into the facility, only if accompanied by a member and upon presentation of guest book coupons. The fee for a guest book of twenty (20) coupons shall be two dollars and twenty-five cents (\$2.25) per coupon or forty-five dollars (\$45.00) per book.

B. The number of coupons required for admittance into the facility shall be as follows:

Daily Fee (weekdays, weekends and holidays)		After 4:00 p.m. Except days with late night programming		
	<u># of Tickets</u>	<u>Fee</u>	<u># of Tickets</u>	<u>Fee</u>
ADULT	4	\$9.00	2	\$4.50
CHILD	2	\$4.50	1	\$2.25
SENIOR	2	\$4.50	1	\$2.25

C. In order to provide an incentive to the Swim Club staff, any staff member may purchase guest books for their own use.

D. The payment of guest books will not be refundable. Book will not have an expiration date and will be good from season to season.

E. Notwithstanding the foregoing, the Pool Manager may, at his or her discretion, curtail and/or eliminate guest privileges to avoid overcrowding of the Swim Club facility.

BE IT FURTHER ORDAINED, that Section 132-8 "Rules and regulations enforcement" shall be amended to replace the term "Swim Club Committee" set forth in subsections A, C, G and H with the term "Swim Club Division".

BE IT FURTHER ORDAINED, that Section 132-11 "Wait lists for membership applications" is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, that Section 132-12 "Duties of Swim Club Committee" is hereby recodified and retitled as Section 132-11 "Duties of Swim Club Division" and the term "Swim Club Committee" set forth in that Section is replaced with the term "Swim Club Division".

BE IT FURTHER ORDAINED, that Section 132-13 "Power and authority to fix rates and charges" is hereby recodified in its entirety as Section 132-12.

BE IT FURTHER ORDAINED, that Section 132-14 "Authority to make rules; enforcement" is hereby recodified in its entirety as Section 132-13.

BE IT FURTHER ORDAINED, that Section 132-15 "Violations and penalties" is hereby recodified in its entirety as Section 132-14.

BE IT FURTHER ORDAINED, that Section 132-16 "Facility use by outside organizations" is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, that Section 132-17 "Granting of scholarships" is hereby deleted in its entirety.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-352/Ord. #2005-39 (Emergency Note Ordinance - Tax Map update) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-352

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-39

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$525,000 FOR THE PREPARATION OF AN APPROVED TAX MAP FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-39

AN ORDINANCE OF THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY, PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION OF \$525,000 FOR THE PREPARATION OF AN APPROVED TAX MAP FOR THE TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW JERSEY

WHEREAS, N.J.S.A. 40A:4-53 provides that a municipality may adopt an ordinance providing for a special emergency appropriation for the preparation of an approved tax map for the municipality; and

WHEREAS, the Township Council of the Township of Marlboro, in the County of Monmouth, New Jersey (the "Township") has determined to undertake the preparation of an approved tax map for the Township; and

WHEREAS, the estimated cost of preparing an approved tax map is \$525,000; NOW THEREFORE

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE
TOWNSHIP OF MARLBORO, IN THE COUNTY OF MONMOUTH, NEW
JERSEY, AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:4-53, the sum
of \$525,000 is hereby appropriated for the preparation of
an approved tax map for the Township, and the same shall
be deemed a special emergency appropriation as defined and
provided for in N.J.S.A. 40A:4-53.

Section 2. The authorization to finance the
appropriation shall be provided for in succeeding annual
budgets by the inclusion of at least one fifth of the
amount authorized by this ordinance and as provided in
N.J.S.A. 40A:4-55.

Section 3. A copy of this ordinance shall be
filed with the Director of the Division of Local
Government Services.

Section 4. This ordinance shall take effect upon
final passage and publication as required by law.

The following Res. # 2005-353/Ord. #2005-40 (Improper
Disposal of Waste and Illicit Connection Ordinance) was
introduced by reference, offered by Council Vice President
Morelli, seconded by Council President Pernice and passed
on a roll call vote of 3 - 0 in favor with Councilman
Mione abstaining (Absent: Denkensohn).

RESOLUTION # 2005-353

BE IT RESOLVED by the Township Council of the
Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-40

AN ORDINANCE ADOPTING A NEW CHAPTER OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED CHAPTER 125
"SEWER - STORMWATER"

be introduced and passed on first reading and that the
same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered
for final passage on September 22, 2005 at 8:00 p.m. at

the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-40

AN ORDINANCE ADOPTING A NEW CHAPTER OF THE CODE
OF THE TOWNSHIP OF MARLBORO ENTITLED CHAPTER 125
"SEWER - STORMWATER"

WHEREAS, the Township of Marlboro's Tier A Municipal Stormwater General Permit includes a requirement that the Township adopt and enforce certain ordinances aimed at preserving the municipal storm sewer system and protecting the public health, safety and welfare; and

WHEREAS, in order to comply with that requirement, the Mayor and the Township Council intend to adopt a new chapter of the Code of the Township of Marlboro entitled Chapter 125 "Sewer - Stormwater" which will prohibit the illicit connection to the Township's separate storm sewer system and will prohibit the spilling, dumping and disposal of certain materials into said system.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that a new chapter entitled Chapter 125 "Sewer - Stormwater" is hereby added to the Code of the Township of Marlboro and shall read in its entirety as follows:

"Chapter 125, SEWER - STORMWATER

ARTICLE I, Illicit Connection

§ 125-1 Purpose.

The purpose of this article is to prohibit illicit connections to the municipal separate storm sewer system operated by the Township of Marlboro, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 125-2 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this article clearly demonstrates a different meaning. The definitions below are the same as or based upon corresponding definitions in the New Jersey Pollutant Discharge Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1.2.

DOMESTIC SEWAGE - Waste and wastewater from humans or household operations.

ILLICIT CONNECTION - Any physical or non-physical connection that discharges domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater) to the municipal separate storm sewer system operated by the Township, unless that discharge is authorized under a NJPDES permit other than the Tier A Municipal Stormwater General Permit (NJPDES Permit Number NJG0154784). Non-physical connections may include, but are not limited to, leaks, flows, or overflows into the municipal separate storm sewer system.

INDUSTRIAL WASTE - Non-domestic waste, including, but not limited to, those pollutants regulated under Section 307(a), (b) or (c) of the Federal Clean Water Act (33 U.S.C. § 1317 (a), (b), or (c)).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township or other public body, and is designed and used for collecting and conveying stormwater.

NJPDES PERMIT - A permit issued by the New Jersey Department of Environmental Protection to implement the New Jersey Pollutant Discharge

Elimination System (NJPDES) rules at N.J.A.C. 7:14A-1, *et seq.*

NON-CONTACT COOLING WATER - Water used to reduce temperature for the purposes of cooling. Such waters do not come into direct contact with any raw material, intermediate product (other than heat) or finished product. Non-contact cooling water may however contain algaecides, or biocides to control fouling of equipment such as heat exchangers and/or corrosion inhibitors.

PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PROCESS WASTEWATER - Any water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product. Process wastewater includes, but is not limited to, leachate and cooling water other than non-contact cooling water.

STORMWATER - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 125-3 Prohibited Conduct.

No person shall discharge or cause to be discharged through an illicit connection to the municipal separate storm sewer system operated by the Township of Marlboro any domestic sewage, non-contact cooling water, process wastewater, or other industrial waste (other than stormwater).

§ 125-4 Enforcement.

The provisions of this article shall be enforced by the Township Engineer or any law enforcement officer of the Township of Marlboro.

§ 125-5 Penalties.

Any person who is found to be in violation of any provision of this article shall be subject to a minimum fine of not less than five hundred dollars (\$500.00) for each and every violation and a maximum fine as allowable by law, or imprisonment for a term not exceeding the maximum allowable by law, or both."

ARTICLE II, Improper Disposal of Waste

§ 125-6 Purpose.

The purpose of this article is to prohibit the spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system (MS4) operated by the Township of Marlboro, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

§ 125-7 Definitions.

For the purpose of this article, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Article clearly demonstrates a different meaning.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Township or other public body, and is designed and used for collecting and conveying stormwater.

PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

STORMWATER - Water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

§ 125-8 Prohibited Conduct.

The spilling, dumping, or disposal of materials other than stormwater to the municipal separate storm sewer system operated by the Township is prohibited. The spilling, dumping or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants to the municipal separate storm sewer system is also prohibited.

§ 125-9 Exceptions to Prohibition.

The following materials are exempted from Section 125-8:

- A. Water line flushing and discharges from potable water sources.
- B. Uncontaminated ground water (e.g., infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground water).
- C. Air conditioning condensation (excluding contact and non-contact cooling water).
- D. Irrigation water (including landscape and lawn watering runoff).
- E. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows.
- F. Residential car washing water and residential swimming pool discharges.
- G. Sidewalk, driveway and street wash water.

H. Flow from fire fighting activities including the washing of fire fighting vehicles.

I. Flows from rinsing of the following equipment and vehicles with clean water:

(1) Beach maintenance equipment immediately following their use for their intended purposes;

(2) Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly discarded;

(3) Other vehicles and equipment from municipal operations pursuant to Part I, Section F.8.e of the Tier A Municipal Stormwater General Permit; and

(4) Rinsing of equipment and vehicles, as referenced in subsections (1), (2) and (3), is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

§ 125-10 Enforcement.

The provisions of this article shall be enforced by the Township Engineer or any law enforcement officer of the Township of Marlboro.

§ 125-11 Penalties.

Any person who is found to be in violation of any provision of this article shall be subject to a minimum fine of not less than five hundred dollars (\$500.00) for each and every violation and a maximum fine as allowable by law, or imprisonment for a term not exceeding the maximum allowable by law, or both."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-354/Ord. #2005-41 (Pet Waste and Wildlife Feeding Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 3 - 0 in favor with Councilman Cantor abstaining (Absent: Denkensohn).

RESOLUTION # 2005-354

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-41

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
59 "DOGS AND OTHER ANIMALS" TO INCLUDE A NEW
ARTICLE ENTITLED "PET WASTE" AND A NEW ARTICLE
ENTITLED "WILDLIFE FEEDING"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-41

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 59 "DOGS AND OTHER ANIMALS" TO INCLUDE
A NEW ARTICLE ENTITLED "PET WASTE" AND A NEW
ARTICLE ENTITLED "WILDLIFE FEEDING"

WHEREAS, the Township of Marlboro's Tier A Municipal Stormwater General Permit includes a requirement that the Township adopt and enforce certain ordinances aimed at preserving the municipal storm sewer system and protecting the public health, safety and welfare; and

WHEREAS, in order to comply with that requirement, the Mayor and the Township Council intend to amend Chapter 59 "Dogs and Animals" of the Code of the Township of Marlboro to include provisions controlling pet waste and wildlife feeding.

NOW THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that subsection E of Section 59-4 "Dogs and Animal Control", Article I "Control of Dogs and Cats", Chapter 59 "Dogs and Other Animals" of the Code of the Township of Marlboro is hereby deleted in its entirety and the remaining subsections of Section 59-4 are recodified accordingly as subsections E and F; and

BE IT FURTHER RESOLVED, that a new Article III "Pet Waste" is hereby added to Chapter 59 "Dogs and Other Animals" and shall read in its entirety as follows:

"ARTICLE III, Pet Waste

§ 59-19 Purpose.

The purpose of this article is to establish requirements for the proper disposal of pet solid waste in the Township of Marlboro, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 59-20 Definitions.

As used in this article, the following terms shall have the meanings indicated:

IMMEDIATE - Shall mean that the pet solid waste is removed at once, without delay.

OWNER/KEEPER - Any person who shall possess, maintain, house or harbor any pet or otherwise have custody of any pet, whether or not he or she is the owner of such pet.

PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

PET - A domesticated animal (other than a disability assistance animal) kept for amusement or companionship.

PET SOLID WASTE - Waste matter expelled from the bowels of a pet; excrement.

PROPER DISPOSAL - Placement in a designated waste receptacle, or other suitable container, and discarded in a refuse container which is regularly emptied by the Township or some other refuse collector; or disposal into a system designed to convey domestic sewage for proper treatment and disposal.

§ 59-21 Requirement for Disposal.

All owners and keepers are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person.

§ 59-22 Exemptions.

Any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this article while such animal is being used for that purpose.

§ 59-23 Enforcement.

The provisions of this article shall be enforced by the animal control officer or any law enforcement officer of the Township of Marlboro.

§ 59-24 Violations and Penalty.

Any person who shall violate any provision of this article shall be subject to a minimum fine of not less than fifty dollars (\$50.00) for each and every violation and a maximum fine as allowable by law, or imprisonment for a term not exceeding the maximum allowable by law, or both."

BE IT FURTHER ORDIAINED, that a new Article IV "Wildlife Feeding" is hereby added to Chapter 59 "Dogs and Other Animals" and shall read in its entirety as follows:

"ARTICLE IV, Wildlife Feeding

§ 59-25 Purpose.

The purpose of this article is to prohibit the feeding of unconfined wildlife in any public park or on any other property owned or operated by the Township of Marlboro, so as to protect public health, safety and welfare, and to prescribe penalties for failure to comply.

§ 59-26 Definitions.

As used in this article, the following terms shall have the meanings indicated:

FEED - To give, place, expose, deposit, distribute or scatter any edible material with the intention of feeding, attracting or enticing wildlife. Feeding does not include baiting in the legal taking of fish and/or game.

PERSON - Any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

WILDLIFE - All animals that are neither human or domesticated.

§ 59-27 Prohibited Conduct.

No person shall feed, in any public park or on any other property owned or operated by the Township, any wildlife, excluding confined wildlife (for example, wildlife confined in zoos, parks or rehabilitation centers) and unconfined wildlife at environmental education centers.

§ 59-28 Enforcement.

A. The provisions of this article shall be enforced by the animal control officer or any law enforcement officer of the Township of Marlboro.

B. Any person found to be in violation of this article shall be ordered to cease the feeding immediately.

§ 59-29 Violations and Penalty.

Any person who shall violate any provision of this article shall be subject to a minimum fine of not less than fifty dollars (\$50.00) for each and every violation and a maximum fine as allowable by law, or imprisonment for a term not exceeding the maximum allowable by law, or both."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-355/Ord. #2005-42 (Litter and Yard Waste Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-355

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-42

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
72 "SOLID WASTE SERVICES" AND DELETING CHAPTER
90 "LITTERING AND HANDBILLS"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-42

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER
72 "SOLID WASTE SERVICES" AND DELETING CHAPTER
90 "LITTERING AND HANDBILLS"

WHEREAS, the Township of Marlboro's Tier A Municipal Stormwater General Permit includes a requirement that the Township adopt and enforce certain ordinances aimed at preserving the municipal storm sewer system and protecting the public health, safety and welfare; and

WHEREAS, in order to comply with that requirement, the Mayor and the Township Council intend to amend and supplement Chapter 72 "Solid Waste Services" to include

certain required provisions regarding littering and the collection of yard waste; and

WHEREAS, the Mayor and the Township Council also intend to delete Chapter 90 "Littering and Handbills" in its entirety as duplicative of the requirements set forth in Chapter 72 "Solid Waste Services".

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Section 72-13 "Brush and Branches" of Chapter 72 "Solid Waste Services" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"§ 72-13 Brush and Branches.

Yard waste consisting only of branches, bulky tree limbs and tree trunks will be collected twelve (12) months of the year on such dates established by the Department of Public Works. Such yard waste shall be deposited curbside or streetside if there is no curb and not on the street pavement and shall not be placed closer than ten (10) feet from any storm drain inlet. Branches less than one (1) inch in diameter shall be tied in neat bundles no more than four (4) feet in length and two (2) feet across. Branches over one (1) inch in diameter shall be placed neatly and separately at curbside or streetside (ready for chipping) with the cut ends facing in the same direction. If leaf collection is scheduled on the same date as collection of brush and branches, the leaves and brush and branches shall be placed in separate piles. Brush and branches shall be placed at curbside or streetside in the manner required by this section no earlier than the Saturday before the scheduled collection week. Placement of brush or branches at curbside or streetside in any other manner or any other time than that required by this section is in violation of this chapter. If such illegal placement occurs, the party responsible must remove the yard waste from the street or said party shall be deemed in violation of this chapter."

BE IT FURTHER ORDAINED, that Section 72-14 "Leaves" of Chapter 72 "Solid Waste Services" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"§ 72-14 Leaves.

A. Yard waste consisting only of leaves will be collected seven (7) months of the year including March, April, May, September, October, November and December on such dates as established by the Department of Public Works. Such yard waste shall be deposited curbside or streetside if there is no curb and not on the street pavement and shall not be placed closer than ten (10) feet from any storm drain inlet. If leaf collection is scheduled on the same date as collection of brush and branches, the leaves and brush and branches shall be placed in separate piles. Leaves shall be placed at curbside or streetside in the manner required by this section no earlier than the Saturday before the scheduled collection week. Placement of leaves at curbside or streetside in any other manner or any other time than that required by this section is in violation of this chapter. If such illegal placement occurs, the party responsible must remove the yard waste from the street or said party shall be deemed in violation of this chapter.

B. Notwithstanding the foregoing, residents living in heavily traveled and/or relatively narrow streets must place leaves for collection in plastic bags. The plastic bags shall not exceed fifty (50) pounds in weight and shall be neatly placed untied at curbside or streetside and separated from solid waste and any other containers by a minimum of one (1) foot. Bags are emptied and left at the location. The locations covered by this subsection include:

- (1) Beacon Hill Road.
- (2) Colliers Lane.
- (3) Old Mill Road.

- (4) Nolan Road, from Ramsgate Drive to Reids Hill Road.
- (5) Route 79.
- (6) Route 520, from Tennent to Route 9.
- (7) School Road East, from Route 79 to Holland Golf Course.
- (8) Tennent Road.
- (9) Ticetown Road.
- (10) Union Hill Road.

C. It shall be a violation of this chapter for any private contractor to place leaves at the curbside or streetside for collection.

BE IT FURTHER ORDAINED, that Section 72-15 "Grass Clippings" of Chapter 72 "Solid Waste Services" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"§ 72-15 Grass Clippings.

Grass clippings shall not be collected by the Department of Public Works. Residents are encouraged to recycle their grass clippings by mulching, composting or leaving on the lawn. Grass clippings shall not be commingled with other yard waste. It shall be a violation of this chapter for grass clippings to be placed on any street or curb for collection in any manner or at any time. If such illegal placement occurs, the party responsible must remove the yard waste from the street or curb or said party shall be deemed in violation of this chapter."

BE IT FURTHER ORDAINED, that Section 72-28 "Littering Prohibited" of Chapter 72 "Solid Waste Services" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"§ 72-28 Littering Prohibited.

A. It shall be unlawful for any person to throw, drop, discard or otherwise place any

litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.

B. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this section, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this chapter. "

BE IT FURTHER ORDINANED, that Chapter 90 "Littering and Handbills" be and hereby is deleted in its entirety.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-356/Ord. #2005-43 (Amending Chapter 48 Brush & Garbage) was introduced by reference, offered by Councilman Cantor, seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-356

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-43

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 48 "BRUSH AND GARBAGE"

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-43

AN ORDINANCE AMENDING AND SUPPLEMENTING
CHAPTER 48 "BRUSH AND GARBAGE"

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of New Jersey that Section 48-1 "Definitions" of Chapter 48 "Brush and Garbage" of the Code of the Township of Marlboro be and hereby is amended to delete in their entirety the definitions for Commercial Handbill, Junk, Litter, Newspaper, Noncommercial Handbill, Park, Private Property or Premises, Public Place and Vehicle; and

BE IT FURTHER ORDAINED, that Section 48-2 "Removal Required" of Chapter 48 "Brush and Garbage" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"§ 48-2. Removal Required.

A. Every owner of any lot, land or place in the Township of Marlboro shall cut, trim or otherwise remove or cause to be cut, trimmed or otherwise removed the following items from said lot, land or place as shall constitute a health hazard, fire hazard, safety or traffic hazard or public nuisance:

- (1) Deleterious brush, grass, weeds and other uncultivated vegetation;
- (2) Dead brush, grass and weeds; and
- (3) Garbage, rubbish and refuse.

B. All grass and weeds on any lot, land or place in the Township of Marlboro shall be cut or trimmed and kept under ten inches (10") in height."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-357/Ord. #2005-44 (Plot Plan Ordinance) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-357

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-44

AN ORDINANCE ADOPTING A NEW SECTION 84-19.1
"PLOT PLANS AND AS-BUILT DRAWINGS", ARTICLE II
"LAND USE PROCEDURES", CHAPTER 84 "LAND USE
DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE
TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive,

Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-44

AN ORDINANCE ADOPTING A NEW SECTION 84-19.1
"PLOT PLANS AND AS-BUILT DRAWINGS", ARTICLE II
"LAND USE PROCEDURES", CHAPTER 84 "LAND USE
DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE
TOWNSHIP OF MARLBORO

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that a new section entitled Section 84-19.1 "Plot Plans and As-Built Drawings", Article II "Land Use Procedures", Chapter 84 "Land Use Development and Regulations" shall be added to the Code of the Township of Marlboro and shall read in its entirety as follows:

"§ 84-19.1 Plot Plans and As-Built Survey.

A. Two (2) signed and sealed copies of Individual Plot Plans shall be submitted to the Township Engineer to accompany any permit application for new residential or commercial construction and for any residential or commercial building addition. The Individual Plot Plan shall be utilized to review the project for adequate drainage and grading and compliance to all applicable Township Standards.

B. The Township Engineer will review the submitted documents and either disapprove or approve the submitted Plot Plan. The applicant will be notified if any revisions are required.

C. The Construction Official shall not issue a building permit until the Township Engineer approves the proposed individual Plot Plan.

D. Each Individual Plot Plan shall be drawn to scale (not less than 1" equaling 50'), signed and sealed in accordance with N.J.A.C. 13:40-7.3 by a Professional licensed to practice

in the State of New Jersey, and shall be no smaller than 8-1/2 x 14.

E. Individual Plot Plans should include the following information:

- (1) Bearing and distances.
- (2) North arrow, written and graphic scale.
- (3) Existing/proposed easement and dedications.
- (4) Existing/proposed building dimensions, pool dimensions.
- (5) Existing/proposed sidewalks, driveways, and retaining walls.
- (6) "Building Envelope" graphically depicting and dimensioning zoning setback requirements and/or setbacks approved by the Board if (applicable).
- (7) Street name, right-of-way width, pavement width and composition of the street(s) fronting the lot.
- (8) The title block on the Plot Plan must include the property address, the block and lot number of the property in question and the name of the applicant.
- (9) Limits of clearing and soil disturbance. Show number of trees over 9" diameter to be removed.
- (10) Existing trees to be protected and remain. Include tree replacement plan.
- (11) Location of wetlands, flood plains, stream encroachment lines and/or any other environmental constraints to the property. If there are no wetlands, then a note should be added to the

plan stating that no wetlands exists on the subject property.

- (12) Sufficient street elevations including center-line, gutter and top of curb, (if applicable); existing and proposed lot elevations to include; at a minimum, property corners, midpoints of property lines, building corners and center of lot; the finished floor, basement and garage floor elevations of the proposed structure; and sidewalk elevations. Adjacent dwellings, corner elevations, and topography within 25' of property lines. All elevations shall be according to the NGVD (National Geodetic Vertical Datum) and the source of datum so noted. Any specific circumstances for which elevation requirements cannot be met will be subject to review by the Township Engineer and Construction Official on a case-by-case basis. Under no circumstances shall individual lots be graded in such a manner as to redirect storm water runoff onto an adjacent and/or downstream property or disturb or change the existing drainage patterns of an adjacent lot. Drainage flow arrows shall be provided to clearly depict the directions of storm water runoff. No grading or the creation of sump conditions shall be permitted on adjacent lot(s) unless permission has been specifically granted in writing, by the owner of said adjacent lot(s).
- (13) Location of any storm drainage pipes within 25' of the property including pipe size, grade, and invert.
- (14) Lot grading shall be designed to provide positive runoff with grades at a minimum slope of 1.5%.

- (15) Swales designed to convey surface runoff shall be designed with suitable subgrade material containing well draining sand or gravel, stone, sand-mix topsoil, or other material acceptable to the Township Engineer. A construction detail should be included on the plan.
- (16) Utility connections including water, sanitary sewer, gas, etc.
- (17) Elevations, cross-sections, and dimensions of driveways and retaining walls.
- (18) Prior Board granted approval or waiver for construction in easements.
- (19) Other items that may be required by the Township Engineer for proper construction of the site.

F. Plot Plans of Planning Board approved projects shall match approved subdivision/site plans.

G. If a basement is proposed, a subsurface soil investigation certified by a licensed engineer shall be submitted with the Plot Plan.

H. The applicant shall submit a foundation survey prior to an inspection of the foundation for approval and backfilling. This survey shall include the location of the foundation and the actual floor elevations. If the as-built survey establishes locations or elevations different from those submitted in the Plot Plan, changes in the proposed grading shall be noted. A revised grading plan shall be submitted to the Engineering Department.

I. The applicant shall submit a final "As-Built" Survey for new residential or commercial construction and residential or commercial building additions signed and sealed by a Professional Engineering or Land Surveyors prior

to requesting a final Certificate of Occupancy (CO) Inspection from the Township Engineer.

K. Exemption from the requirements of this section for a residential building addition requires the approval of the Township Engineer, said exemption to be contingent upon:

- (1) Proof that the subject addition is not in a flood hazard zone.
- (2) A survey locating the existing dwelling and showing the proposed improvements.
- (3) A site inspection by a Township engineering inspector to verify that the proposed addition or pool will not create drainage problems."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-358/Ord. #2005-45 (Ornamental Landscape Structure) was introduced by reference, offered by Council Vice President Morelli and seconded by Councilman Mione. After discussion, Res. #2005-358/Ord. #2005-45 was passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-358

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-45

AN ORDINANCE ADOPTING A NEW SECTION ENTITLED SECTION 84-36.3 "ORNAMENTAL LANDSCAPE STRUCTURES", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-45

AN ORDINANCE ADOPTING A NEW SECTION ENTITLED SECTION 84-36.3 "ORNAMENTAL LANDSCAPE STRUCTURES", ARTICLE III "ZONING: STANDARDS AND REGULATIONS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that a new section entitled Section 84-36.3 "Ornamental Landscape Structures", Article III "Zoning: Standards and Regulations", Chapter 84 "Land Use Development and Regulations" is hereby added to the Code of the Township of Marlboro and shall read in its entirety as follows:

"§ 84.36.3 Ornamental Landscape Structures

A. Definition. Ornamental landscape structures shall mean an accessory structure placed year round in a fixed location in a yard

or open space to provide a decorative or ornamental element to the grounds and gardens of the principal use. Ornamental landscape structures shall include entry posts or stanchions and other such structures.

B. Requirements and Limitations.
Ornamental landscape structures are permitted as an accessory structure to a principal use. In conjunction with a non-residential use or a multi-family use, ornamental landscape structures shall be placed only in accordance with the approved site plan. In conjunction with a single-family dwelling, ornamental landscape structures are only permitted on a minimum 10,000 square foot lot and subject to the following requirements:

(1) Ornamental landscape structures may be located in the minimum required front yard area specified for the zone provided that such structures meet the criteria set forth in Table 1.

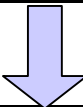
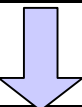
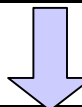
(2) Ornamental landscape structures exceeding 6.5-feet in height shall adhere to the minimum yard requirements and the maximum height requirement for accessory structures.

(3) A lamppost and its luminary may be erected on top of the proposed structure provided that the structure meets the standards established above.

(4) Exterior lighting shall conform to the applicable performance standards as established within this Section.

Table 1: Marlboro Township Ordinance governing allowable Ornamental Landscape Structures (OLSs)

Applies to single family residential lots with a minimum of 10,000 sq. ft. only.

OLS Dimensional Requirements			
Category	A	B	C
If the lot frontage length is equal or greater than:	70 feet	125 feet	250 feet
Such lots are allowed a pair of OLSs in the front yard limited to the following dimensional requirements:			
Maximum height of OLSs cannot exceed (excluding light fixtures mounted on top of OLSs):	4.5 feet	5.5 feet	6.5 feet
Maximum height of OLSs cannot exceed (including light fixtures mounted on top of OLSs):	6.75 feet	7.75 feet	8.75 feet
Driveway gates attached to the OLSs are allowed. Maximum allowable height of the gate:	4.5 feet	5.5 feet	6.5 feet
Maximum height of the OLS should be measured from the lowest point at ground level.			
Maximum horizontal dimension of each OLSs including any wing walls or built-in planters shall be the lesser of 8% times the length of the lot frontage or 18 feet. Maximum frontage horizontal dimensions is the OLS end to end width projected parallel with the front property line.			
Maximum total area foot print coverage of all OLSs together cannot exceed .8 x the length of the lot frontage and cannot exceed 100 sq ft.			
Lots with circular driveways that have two driveway egress points are allowed two pairs of OLSs on the front of the lot that must meet all of the dimensional requirements			

OLS Setback Requirements
OLSs are not allowed in the public right-of-way and must be wholly within the lot line boundaries.
Minimum required front setback from the edge of the street pavement for all OLSs for lots with or without a sidewalk shall be the greater of 6 feet or the distance between the edge of pavement and the right-of-way line. All OLSs must be installed behind the sidewalk, if a sidewalk exists.
In the event that a sidewalk is installed subsequent to the installation of OLSs, it is responsibility of the property owner to comply to the setback rules for properties with sidewalks at the expense of the property owner.**

** (this is a "builder beware" statement that the homeowner may have to move OLSs, if the town decides to install sidewalks later. So homeowner bears the risk of having to later move OLSs even if they initially conform when there is no sidewalk)

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-359/Ord. #2005-46 (Off Street parking and garages) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-359

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-46

AN ORDINANCE AMENDING SUBSECTION A OF SECTION 84-119 "OFF-STREET PARKING", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on September 22, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-46

AN ORDINANCE AMENDING SUBSECTION A OF SECTION 84-119 "OFF-STREET PARKING", ARTICLE VIII "SUBDIVISIONS: DESIGN AND PERFORMANCE STANDARDS", CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, the Mayor and the Township Council desire to amend subsection A of Section 84-119 "Off-Street Parking"

to, among other things, update the requirements contained therein concerning driveways.

NOW, THEREFORE, BE IT ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that subsection A of Section 84-119 "Off-Street Parking", Article VIII "Subdivisions: Design and Performance Standards", Chapter 84 "Land Use Development and Regulations" of the Code of the Township of Marlboro be and hereby is amended to read in its entirety as follows:

"A. Carports and garages. No carports are permitted in the Township. Unless otherwise permitted by this Chapter, detached single-family dwellings shall have a minimum two-car garage, attached to or detached from the principal building, having a minimum area of four hundred (400) square feet and shall provide a minimum twenty (20) foot wide driveway connecting the garage to the adjacent street constructed in accordance with the requirements contained herein. Single-family dwellings located in zoning districts where one-car garages are specifically permitted shall have ten (10) foot minimum width driveways otherwise conforming in all respects to the requirements contained herein.

(1) Driveways connecting public streets to two-car residential garages, where the setback does not exceed fifty (50) feet, shall have a minimum width of ten (10) feet for one-car or twenty (20) feet for two-car garages throughout their length from the sidewalk, or the curbline if there is no sidewalk, to the garage. Side entry garages shall have a minimum twelve (12) foot width with a minimum twenty-five (25) by twenty-five (25) foot driveway apron in front of the doors conforming to the driveway requirements in all other aspects.

(2) Driveways shall be paved with a uniform two-course pavement throughout their length and width, provided further that any driveway over seventy-five (75) feet in length in the LC and/or R-80 Zoning Districts, unless a

major subdivision is involved, shall only be required to be paved the first forty (40) feet from the street or public right-of-way, with the remaining driveway area consisting of crushed stone. The upper lift shall be bituminous concrete surface course and the lower lift shall be bituminous concrete base course. Driveways shall be substantially flush with their surroundings. [Amended 7-14-1988 by Ord. No. 32-88]

(3) The upper driveway pavement course shall consist of two (2) inches minimum of FABC Mix I-5 asphalt. The lower driveway course (or base course) shall consist of at least three (3) inches of MABC Mix I-2 asphalt material. This base course shall be rolled and compacted and a tack coat shall be placed on it prior to the placement of the two-inch FABC topping. The three-inch base layer shall be placed on top of a free draining, well compacted soil subgrade which shall be of appropriate grain size distribution to support the overlying asphalt courses.

(4) If subgrade is unstable due to sponginess, wetness or unsuitability of the underlying soil, then a stone material shall be installed to adequately address this condition.

(5) The two-inch FABC surface course shall be smooth, shall not be open-grained and shall conform to the following criteria:

(a) A two (2) foot long straight edge placed flat in any position on the finished asphalt driveway surface shall not protrude at any point by more than three-eighths ($3/8$) inch from the surface. This requirement shall not apply in the strip on both sides of the driveway within eight (8) inches from both its edges.

(6) The driveway shall be constructed in a workmanlike manner and shall be constructed in a way which would be conducive to adequate surface drainage both of the driveway itself and the surrounding area. The driveway shall be

constructed in a way which would totally protect the garage from receiving surface runoff.

(7) Standards.

(a) The two (2) inch asphalt top (FABC) shall comply with New Jersey Department of Transportation Standard State Highway Specifications, latest Edition, and all supplements thereto.

(b) The three (3) inch asphalt base (MABC) shall comply with New Jersey Department of Transportation Standard State Highway Specifications, latest Edition, and all supplements thereto.

(c) Tack coat shall also comply with the current New Jersey Department of Transportation Standard State Highway Specifications, latest Edition, and all supplements thereto.

(8) The foregoing provisions shall apply only to residential driveways.

(9) Inspection of residential driveways shall be performed by the Engineering Department, and enforcement shall be made pursuant to this chapter. Material tickets shall be provided for all pavement courses to insure compliance with the New Jersey Department of Transportation Standard Highway Specifications, latest Edition, and all supplements thereto.

(10) There shall be due to the Township an inspection fee in the amount of fifty dollars (\$50) for each driveway. This fee shall be payable to the Township prior to the inspection of the driveway. Inspections are required for:

- (a) Subgrade Material;
- (b) Asphalt Base Course; and
- (c) Asphalt Surface Course."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Res. # 2005-315 (Tabled 8/11) Awarding Plenary Retail Consumption License - FMP Delsea Woods Assoc./Brooks Edge Plaza, LLC) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Denkensohn).

RESOLUTION # 2005-315

A RESOLUTION AWARDED A PLENARY RETAIL
CONSUMPTION LICENSE TO BROOKS EDGE PLAZA, LLC

WHEREAS, in accordance with the provisions of Resolution #2005-250, the Township of Marlboro authorized the acceptance of bids for One (1) Plenary Retail Consumption License and on August 1, 2005 at 10:00 a.m. received one (1) bid therefor; and

WHEREAS, the one (1) bid received was as follows:

1. Brooks Edge Plaza, LLC, 78 East Main Street, Marlton, New Jersey 08053, for the amount of \$710,001.00; and

WHEREAS, the Township Administration and Township Attorney have reviewed the bid received and recommend that the Plenary Retail Consumption License be awarded to Brooks Edge Plaza, LLC as the highest conforming bidder; and

WHEREAS, the Mayor and Township Council have indicated their desire to award one (1) Plenary Retail Consumption License to Brooks Edge Plaza, LLC of Marlton, New Jersey in accordance with the Bid Specifications issued by the Township.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that, subject to compliance with the Alcoholic Beverage Control Statutes, N.J.S.A. 33:1-1, et seq., and the approval of the New Jersey Division of Alcoholic Beverage Control and the provisions of Resolution #2005-250 authorizing the issuance of a Plenary Retail Consumption License to the highest qualified bidder, one (1) Plenary Retail Consumption License be and hereby is awarded to Brooks Edge Plaza, LLC; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Brooks Edge Plaza, LLC
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath LLP

The following Res. # 2005-360 (Amending Professional Service Contract - Labor Counsel) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Denkensohn).

RESOLUTION # 2005-360

A RESOLUTION AUTHORIZING AN AMENDMENT TO THE
CONTRACT FOR SPECIAL COUNSEL SERVICES BETWEEN
THE TOWNSHIP OF MARLBORO AND MATTHEW GIACOBBE,
ESQ. OF SCARINCI AND HOLLENBECK, LLC

WHEREAS, by Resolution #2005-52, the Township Council authorized a professional services contract between the Township of Marlboro and Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC to provide legal services to the Township of Marlboro on labor matters for an amount not to exceed \$50,000.00; and

WHEREAS, over the course of this year, Mr. Giacobbe's services have been utilized in connection with various labor matters involving the Township, including the successful negotiation of collective bargaining agreements; and

WHEREAS, the Township will continue to need Mr. Giacobbe's services over the remainder of this year and Administration and the Township Attorney have therefore recommended that Mr. Giacobbe's total contract amount be increased from \$50,000.00 to an amount not to exceed \$100,000.00; and

WHEREAS, the Township Council believes it is in the best interest of the municipality to approve such an amendment.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Township Attorney, Michael H. Gluck, is hereby authorized to execute an amendment to the contract for special counsel services between Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC and the Township of Marlboro to increase the total contract amount from \$50,000.00 to an amount not to exceed \$100,000.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Matthew Giacobbe, Esq. of Scarinci and Hollenbeck, LLC
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2005-361 (Authorizing Professional Service Contract - Planning Board Master Plan - Birdsall Engineering) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor (Absent: Cantor and Denkensohn).

RESOLUTION # 2005-361

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL SERVICES CONTRACT BETWEEN BIRDSALL ENGINEERING, INC. AND

THE TOWNSHIP OF MARLBORO FOR THE PREPARATION OF THE LAND
USE ELEMENT OF THE MASTER PLAN

WHEREAS, the Township of Marlboro is in need of professional engineering services for the preparation of the Land Use Element of the Master Plan; and

WHEREAS, Birdsall Engineering, Inc. has submitted a proposal dated September 7, 2004 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$38,500.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Birdsall Engineering, Inc. to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Birdsall Engineering, Inc. and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Birdsall Engineering, Inc.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

Council then discussed Res. # 2005-362 (Authorizing Issuance of Subpoena). After discussion, motion to table such resolution was made by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 3 - 0 in favor of tabling (Absent: Cantor and Denkensohn).

The following Res. # 2005-363 (Authorizing Payment Crusader) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-363

A RESOLUTION AUTHORIZING AND APPROVING THE
PAYMENT OF MONEY OWED IN ACCORDANCE WITH THE
SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF
MARLBORO AND CRUSADER SERVICING CORPORATION

WHEREAS, on or about January 26, 2004, Crusader Servicing Corporation ("Crusader") filed a complaint with the New Jersey Superior Court asserting certain claims arising from its purchase of an allegedly invalid tax lien from the Township of Marlboro (the "Township") (Crusader v. Marlboro Township, Docket No. L-404-04, herein the "Litigation"); and

WHEREAS, by Resolution #2005-256, the Township Council authorized the settlement of the Litigation and the execution of a settlement agreement (the "Settlement Agreement"); and

WHEREAS, the Settlement Agreement requires the Township to pay Crusader \$64,258.80, together with interest equal to 3% per annum to be paid from the date of the settlement to the date of payment; and

WHEREAS, such interest has been calculated to equal the sum of \$439.10, for a total of \$64,697.90 due to Crusader pursuant to the Settlement Agreement.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, that the Township Council of the Township of Marlboro, in the County of Monmouth, State of New Jersey, hereby authorizes and approves the payment of \$64,697.90 to Crusader as final payment due and owing under the Settlement Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Business Administrator
- b. Township Chief Financial Officer
- c. Gluck Walrath, LLP

The following Res. # 2005-364 (Authorizing Contract - Emergency Acquisition Police Phone System) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-364

A RESOLUTION AWARDED AN EMERGENCY CONTRACT TO EASTERN
TELEPHONE AND TELECOMMUNICATIONS TO PROVIDE AND INSTALL A
NEW TELEPHONE SYSTEM FOR THE TOWNSHIP OF
MARLBORO DIVISION OF POLICE

WHEREAS, the Township of Marlboro Division of Police's telephone system was severely damaged by water; and

WHEREAS, the public health, safety and welfare of the residents of the Township of Marlboro depend upon the ability of the Division of Police to process and accept telephone calls; and

WHEREAS, N.J.S.A. 40A:11-6, included within the Local Public Contracts Law, allows contracts to be awarded without public bidding when an emergency affecting the public health, safety or welfare requires the immediate delivery of goods or the performance of services; and

WHEREAS, the Administration and the Township Council have determined that such an emergency exists and desire

to award an emergency contract to Eastern Telephone and Telecommunications to provide and install a new telephone system for the Township of Marlboro Division of Police for an amount not to exceed \$57,550.00 in accordance with its proposal dated August 15, 2005 (the "Proposal") which is attached hereto.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey that an emergency contract be and hereby is awarded to Eastern Telephone and Telecommunications to provide and install a new telephone system for the Township of Marlboro Division of Police and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, to provide such goods and services for an amount not to exceed \$57,550.00 in accordance with the Proposal; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Eastern Telephone & Telecommunications
- b. Township Administrator
- c. Chief of Police
- d. Chief Financial Officer
- e. Gluck Walrath LLP

The following Res. # 2005-365 (Authorizing Planning Board for Redevelopment Plan for Entron Property) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 3 - 1 in favor with Councilman Mione voting no (Absent: Denkensohn).

RESOLUTION # 2005-365

A RESOLUTION AUTHORIZING THE PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION PURSUANT TO N.J.S.A. 40A:12A-6 TO DETERMINE WHETHER THE ENTRON SITE, BLOCK 132, LOT 18, IS A REDEVELOPMENT AREA

WHEREAS, the property known as the Entron Site, Block 132, Lot 18 in the Township of Marlboro, is included in

the Township's Housing Plan Element and Fair Share Plan and, at the time of its inclusion, was discussed as a possible redevelopment area; and

WHEREAS, the Township Planner has recommended to the Mayor that the Entron Site be considered as a possible redevelopment area; and

WHEREAS, in order for a site to be declared a redevelopment area, the Redevelopment and Housing Law, N.J.S.A. 40A:12A-1, et seq., requires the Township Council to first authorize the Planning Board by resolution to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth N.J.S.A. 40A:12A-5; and

WHEREAS, the Mayor and the Township Council have deemed it in the best interest of the municipality for a determination to be made regarding the aforementioned site.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Planning Board be and hereby is authorized in accordance with N.J.S.A. 40A:12A-6a to undertake a preliminary investigation to determine whether the Entron Site is a redevelopment area according to the criteria set forth in N.J.S.A. 40A:12A-5 and, if necessary, conduct the required public hearing in accordance with N.J.S.A. 40A:12A-6b and, thereafter, recommend to the Township Council, in accordance with N.J.S.A. 40A:12A-6b(5), whether the Entron Site, or any part thereof, should be determined to be a redevelopment area; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. The Township of Marlboro Planning Board
- b. The Township Planner
- c. Township Administrator
- f. Gluck Walrath LLP

The following Res. # 2005-366 (Award of Bid - Road Program) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President

Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION #2005-366

A RESOLUTION AWARDING A CONTRACT TO EARLE ASPHALT COMPANY
FOR THE 2005 CAPITAL ROAD PROGRAM - VARIOUS LOCATIONS

WHEREAS, the Township Council authorized the acceptance of bids for the 2005 Capital Road Program - Various Locations; and

WHEREAS, four (4) bids were received as follows:

(1) Earle Asphalt Company, P.O. Drawer 556, Farmingdale, New Jersey 07727 for a total bid of \$572,313.13;

(2) Stavola Contracting Company, Inc., P.O. Box 482, Red Bank, New Jersey 07701 for a total bid of \$683,993.00;

(3) Star of the Sea Concrete, 448 Marlboro Road, Old Bridge, New Jersey 08857 for a total bid of \$815,022.00; and

(4) DeFino Contracting Company, 28 Industrial Drive, Cliffwood Beach, New Jersey 07735 for a total bid of \$830,999.39 (total bid was adjusted for bidder's mathematical error); and

WHEREAS, Administration, the Township Engineer and the Township Attorney have reviewed the bids received and identified the lowest responsive bidder as Earle Asphalt Company as set forth on the attached Bid Summary Report; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township to award the contract for the 2005 Capital Road Program - Various Locations to the lowest responsive bidder, Earle Asphalt Company.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the contract for the 2005 Capital Road Program - Various Locations be and hereby is awarded to Earle Asphalt Company and that the

Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Earle Asphalt Company for the 2005 Capital Road Program - Various Location in accordance with the bid proposal submitted by Earle Asphalt Company; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution shall be provided to each of the following:

- a. Earle Asphalt Company
- b. Township Administrator
- c. Township Engineer
- d. Chief Financial Officer
- e. GluckWalrath, LLP

Business Administrator Judith Tiernan asked Council to table Res. #2005-367 (Authorizing Sale of Surplus Property) from the consent agenda. Council President Pernice motioned to table Res. #2005-367 (Authorizing Sale of Surplus Property) to the September 22nd Council meeting. This was seconded by Council Vice President Morelli and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

As the consent agenda, the following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. #2005-368 (Change Order for Swim facility Lawn Chemical Contract), Res. #2005-369 (Change Order for Architectural Services for Police Expansion), Res. #2005-370 (Award of State Contract/Copier), Res. #2005-371 (Award of State Contract/Boom Pulley Wire Rope), Res. #2005-372 (Authorize Contract Powerwash/Paint Rec. Center), Res. #2005-373 (Reject and Rebid - Vestibule Addition to Rec. Dept.), Res. #2005-374 (Reject and Rebid - Accessibility Renovations)at Annex Bldg. and Res. #2005-375 (Raffle License Knights of Columbus).

RESOLUTION # 2005-368

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1,
LAWN CHEMICALS AND SEEDING SERVICES - SWIM CLUB

WHEREAS, by Resolution No. 2004-141, the Township of Marlboro authorized an Agreement between the Township of Marlboro and Pioneer Lawn and Landscaping, Inc. for the provision of lawn chemical and seeding services for the Swim Club for an amount not to exceed \$7,000.00 (the "Agreement"); and

WHEREAS, the Director of Swim recommends the authorization of Change Order No. 1 to that Agreement in the amount of \$1,000.00 for a total contract sum of \$8,000.00 to allow for reparation of the significantly damaged lawn.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to Change Order No. 1 to the Agreement between the Township of Marlboro and Pioneer Lawn and Landscaping, Inc., in the form attached hereto, for a net additional consideration of \$1,000.00 for a total contract sum of \$8,000.00;
2. That the Chief Financial Officer has filed a Certificate of Availability of Sufficient Funds for this Change Order and attached same to this resolution; and
3. That a certified copy of this resolution shall be provided to each of the following:
 - A. Pioneer Lawn and Landscaping, Inc.
 - B. Director of Swim
 - C. Chief Financial Officer
 - D. Township Attorney

RESOLUTION # 2005-369

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE PROFESSIONAL SERVICES CONTRACT BETWEEN ARCARI & IOVINO ARCHITECTS, P.C. AND THE TOWNSHIP OF MARLBORO FOR THE

PROVISION OF ARCHITECTURAL SERVICES IN CONNECTION WITH THE
POTENTIAL EXPANSION OF THE TOWNSHIP OF
MARLBORO POLICE DEPARTMENT

WHEREAS, pursuant to Resolution #2005-96, the Township of Marlboro authorized a professional services contract between the Township of Marlboro and Arcari & Iovino Architects, P.C. (the "Contract") to conduct an architectural study concerning a potential expansion of the Township of Marlboro Police Department (the "Study"); and

WHEREAS, the Contract authorized the provision of said services for an amount not to exceed \$10,500.00 plus expenses for printing and shipping; and

WHEREAS, the Study is now fifty percent (50%) complete and professional architectural services amounting to \$5,250.00 have been provided; and

WHEREAS, the Administration recommends that the balance of the Study be postponed until after Arcari & Iovino Architects, P.C. can examine the potential of constructing an addition to the gap between the police and court facilities; and

WHEREAS, Administration further recommends, in accordance with the proposal submitted by Arcari & Iovino Architects, P.C. dated August 30, 2005 and attached hereto, that the Contract be amended to allow the remaining available funds amounting to \$5,250.00, be applied to the costs associated with the examination of the potential of constructing an addition to the gap between the police and court facilities, rather than to the completion of the Study; and

WHEREAS, Administration and the Township Council acknowledge that, if the Study is resumed, the Contract will need to be amended again to add an additional \$5,250.00 to the original contract amount of \$10,500.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute an amendment to the Contract to allow the remaining available funds amounting to \$5,250.00 to be applied to the costs associated with the examination of the potential of constructing an

addition to the gap between the police and court facilities, rather than to the completion of the Study; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Arcari & Iovino Architects, P.C.
- b. Township Engineer
- c. Business Administrator
- d. Township Chief Financial Officer
- g. Gluck Walrath, LLP

RESOLUTION # 2005-370

RESOLUTION AUTHORIZING THE PURCHASE OF ONE (1)
SAVIN C435 COPIER AND RELATED EQUIPMENT FOR THE
MARLBORO TOWNSHIP BUILDING DEPARTMENT
STATE CONTRACT #A51464

WHEREAS, the Marlboro Township Building Department has recommended that the Township purchase one (1) Savin C435 Copier and related equipment from Stewart Industries, 77 Elbo Lane, Mount Laurel, NJ 08054 under State Contract #A51464 for the amount of \$11,867.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said equipment to the Township of Marlboro Building Department; and

WHEREAS, funds are available in Trust Account Number T-23-56-850-852 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one (1) Savin C435 Copier and related equipment from Stewart Industries, 77 Elbo Lane, Mount Laurel, NJ 08054 under State Contract #A51464 for the amount of \$11,867.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Stewart Industries, Mount Laurel, NJ
- b. Township Administrator
- c. Township Building Department
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-371

RESOLUTION AUTHORIZING THE PURCHASE AND
INSTALLATION OF REPLACEMENT PARTS AND
PERFORMANCE OF MAJOR OVERHAUL TO BUCKET TRUCK
FOR THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Marlboro Township Department of Public Works contacted certain companies to request estimates for the purchase and installation of replacement parts and performance of major overhaul to bucket truck; and

WHEREAS, the Department of Public Works received the following estimates:

1. Baker Equipment, Inc., Pottstown, Pennsylvania - \$16,030.59
2. Utility One Source, Bethlehem, Pennsylvania - \$31,020.92

WHEREAS, the lowest estimate for the purchase of the aforementioned item is less than \$21,000.00 in the contract year, thereby allowing a contract to be awarded pursuant to N.J.S.A. 40A:11-3 without public advertising for bids; and

WHEREAS, the Administration and the Department of Public Works have reviewed the estimates received and recommend that a contract be awarded to Baker Equipment, Inc. for the purchase of the aforementioned items; and

WHEREAS, funds are available in Capital Account Number X-04-55-943-919 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted for the purchase and installation of replacement parts and performance of major overhaul to bucket truck from Baker Equipment, Inc., 3380 W. Ridge Pike, Pottstown, PA, 19464; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Baker Equipment, Inc., Pottstown, PA
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-372

RESOLUTION AUTHORIZING POWER-WASHING AND
REPAINTING SERVICES FOR VARIOUS AREAS OF THE
RECREATION CENTER FOR THE MARLBORO TOWNSHIP
DEPARTMENT OF PUBLIC WORKS
STATE CONTRACT #A57456

WHEREAS, the Marlboro Township Department of Public Works has recommended that the Township purchase power-washing and repainting services from Grafas Painting Contractors, 20 East Willow Street, Millburn, NJ 07041 under State Contract #A57456 for the amount of \$6,285.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on

behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said services to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Account Number X-04-2004-0000-0021-004-02039 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said equipment;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase power-washing and repainting services from Grafas Painting Contractors, 20 East Willow Street, Millburn, NJ 07041 under State Contract #A57456 for the amount of \$6,285.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Grafas Painting Contractors, Millburn, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-373

BE IT RESOLVED by the Township Council of the Township of Marlboro that all bids heretofore received for

Vestibule Addition to Rec. Dept.

are hereby rejected and the Business Administrator is authorized and directed to return the bid bond or other security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business Administrator be and she is hereby authorized and directed to advertise for open, competitive bids for

Vestibule Addition to Rec. Dept.
as required by law.

RESOLUTION # 2005-374

BE IT RESOLVED by the Township Council of the
Township of Marlboro that all bids heretofore received for

Accessibility Renovations at Annex Bldg.

are hereby rejected and the Business Administrator is
authorized and directed to return the bid bond or other
security to the appropriate bidder.

BE IT FURTHER RESOLVED that the Business
Administrator be and she is hereby authorized and directed
to advertise for open, competitive bids for

Accessibility Renovations at Annex Bldg.

as required by law.

RESOLUTION # 2005-375

BE IT RESOLVED by the Township Council of the
Township of Marlboro that a Raffle License # RL: 14-05
(Off Premise 50/50) be and it is hereby granted to Knights
of Columbus #6392, PO Box 922, Lincroft, New Jersey 07738.

BE IT FURTHER RESOLVED that said Raffle will be held
on December 11th, 2005 at 4:30 PM at St. Gabriel's
Church, 100 North Main Street, Marlboro, N. J. 07746.

The following Items were carried to the September 22nd
meeting: Item #29 (Bond Release Eagles Nest) and Item
#30 (Tax Collector Resolutions).

At 12:40AM, Council Vice President Morelli moved that the
meeting go into executive session for reason of discussing
litigation and acquisition of property. This was seconded
by Councilman Cantor, and passed on a roll call vote of
4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-376

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 8th day of September, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely litigation, acquisition of property and personnel.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required.

At 1:25AM, Council Vice President Morelli moved that the meeting be opened. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot (Absent: Denkensohn).

At 1:35AM, Council Vice President Morelli moved that the meeting be adjourned. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: October 20, 2005

OFFERED BY: Denkensohn AYES: 5

SECONDED BY: Mione NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT

